UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,158	04/10/2007	Rached Ksontini	90500-000082/US	3063

30593   7590   09/09/2008
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER
VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
09/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/577,158	KSONTINI ET AL.
	Examiner	Art Unit
	MICHAEL R. VAUGHAN	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 April 2006_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _21-40_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _21-40_ is/are rejected.
7) ☒ Claim(s) _21 and 26_ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _26 April 2006_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☒ All   b) ☐ Some *   c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _4-26-06_.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

The instant application having Application No. 10/577158 filed on 4-26-06 is

presented for examination by the examiner.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C.

119(a)-(d). The certified copy has been received.

Specification

The abstract of the disclosure is objected to because is consists of more than

150 words. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cryptogram including its contents must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 21 and 26 are objected to because of the following informalities:

As per claim 21, the preamble recites applications and then in the last clause, reference to "the application is made". It is unclear which application would be considered the application. Additionally the phrase "and/or" is used but this renders the claim indefinite. Examiner is treating all of these phrases as "or".

As per claim 26, the phrase "and/or" is used but this renders the claim indefinite. Examiner is treating all of these phrases as "or".

In an effort to compact prosecution, Examiner suggests to Applicant to check each claim to make sure any terms referenced by "the" have antecedent basis. Claim 26 discloses "the risk" at the first time of mentioning a risk.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 25, there is insufficient antecedent basis for three terms: (1) the identifier of the set mobile equipment, (2) the identifier of the mobile equipment, and (3)

the identification number of the subscriber. Reference to these three terms could not be

definitively inferred from the parent claims. Examiner is treating the claim to references

the identity of the security module. Appropriate correction is required.

As per claim 34, "the verification operation" lacks antecedent basis. In claim 21,

Examiner finds no support for the limitation of the subscriber module doing any

verification operation. Yet claim 34 says that the subscriber module initiates a

verification process operation if the identifier has changed.   Claim 21 discloses the

security module analyzes and activates or deactivates but not verifies.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 21-36 and 38-40 are rejected under 35 U.S.C. 102(b) as being

anticipated by USP 5,864,757 to Parker.

As per claim 21, Parker teaches a method for managing the security of

applications with a security module functioning in an equipment connected to a network,

said network being managed by a control server of an operator, said applications using

resources as data or functions stored in a security module [SIM] locally connected to

said equipment, comprising the following preliminary steps:

reception of data comprising at least the type and software version of the equipment

(col. 6, line 46) and the identity of the security module (col. 1, lines 50-55), via the

network, by the control server (col. 8, lines 21-25),

analysis and verification by the control server of said data (col. 8, lines 26-28),

generation of a cryptogram (col. 8 ,lines 41-44) from the result of the verification of said

data, and transmission of said cryptogram, via the network and the equipment, to the

security module (col. 8, lines 60-65), said method further comprises steps wherein the

security module analyses the received cryptogram and activates, respectively

deactivates the resources as data or functions used by at least one application installed

in the equipment, said cryptogram comprising the instructions [necessary keys]

conditioning [lock/unlock] the functioning of the application [application to make a call]

according to criteria established by the supplier of said application and/or the operator

and/or the user of the equipment (col. 9, lines 1-8).

As per claim 22, Parker teaches the equipment is a mobile equipment of mobile

telephony (see abstract).

As per claim 23, Parker teaches the network is a mobile network of the GSM,

GPRS or UMTS type (col. 1, line 36).

As per claim 24, Parker teaches the security module is a subscriber module of

a SIM card type inserted into the mobile equipment of mobile telephony (col. 1, line 50).

As per claim 25, Parker teaches the identification of the set mobile equipment

/ subscriber module is carried out from the identifier of the mobile equipment and from

the identification number of the subscriber module pertaining to a subscriber to the

mobile network (col. 8, lines 55-65).

As per claim 26, Parker teaches the criteria [locked/unlocked] defines the usage

limits [activate / deactivate] of an application according to the risk [key exposure]

associated to said application and to the type and the software version of the mobile

equipment that the operator and/or the application supplier and/or the user of the mobile

equipment want to take in account (col. 9, lines 2-4). Upon activating a locked phone,

Parker teaches a phone can be relocked if a key is compromised and needs to be

changed. This process takes into account the identity information inside the phone,

including the SIM.

As per claim 27, Parker teaches the activation method is carried out after each

connection of the mobile equipment to the network (col. 9, line 11). A check is made at

turn on to see if the device is locked. It does however bypass the rest of the activation

method and goes to the authentication part of the method if the check is satisfied.

As per claim 28, Parker teaches the activation method is carried out after each of

updating the software version of the mobile equipment (col. 9, lines 1-5). Anytime the

phone receives a new subscriber identification code it is necessary for the handset to

re-register with the base station.

As per claim 29, Parker teaches the activation method is carried out after each

activation or deactivation of an application on the mobile equipment (col. 9, lines 1-5).

As per claim 30, Parker teaches the activation method is carried out after each

updating of the software version of the subscriber module (col. 9, lines 1-5). Anytime

the phone receives a new subscriber identification code it is necessary for the handset to re-register with the base station.

As per claim 31, Parker teaches the activation method is out after each updating of the resources on the subscriber module (col. 9, lines 1-5). Anytime the phone receives a new subscriber identification code it is necessary for the handset to re-register with the base station.

As per claim 32, Parker teaches the activation method is carried out periodically at a rate [each startup] given by the control server (col. 9, line 11).

As per claim 33, Parker teaches the activation method is carried out after each initialization of an application on the mobile application (col. 9, lines 1-5). Activation is synonymous with initialization.

As per claim 34, Parker teaches the subscriber module, prior to the execution of the instructions given by the cryptogram, compares the identifier of the mobile equipment with that previously received (Fig. 5, 172).

As per claim 35, Parker teaches the control server, prior to the transmission of the cryptogram, compares the identifier of the mobile equipment with that previously received and only initiates the verification operation if the identifier has changed (col. 8, lines 55-65). This activation is only done a second time if the SIM or any of its values change. Otherwise, the server already knows the phone is ok and does not send it a new IMSI.

As per claim 36, Parker teaches the cryptogram is made up of a message encrypted by the control server with the aid of an asymmetrical or symmetrical

encryption key from a data set containing, among other data, the identifier of the mobile

equipment, the identification number of the subscriber module, the resource references

of the subscriber module and a predictable variable (col. 8, lines 50-59).

As per claim 38, Parker teaches the equipment is a Pay-TV decoder or a

computer to which the security module is connected (col. 12, lines 60-65).

As per claim 39, Parker teaches a security module [SIM] comprising resources

intended to be locally accessed by at least one application [phone calling software]

installed in an equipment [cell phone] connected to a network, said equipment

comprising reading and data transmission means comprising at least the identifier of the

equipment and the identifier of the security module (col. 8, lines 21-25), said module

further comprises means for reception (col. 8 ,lines 60-65), analysis and execution of

instructions contained in a cryptogram (col. 9, lines 1-15), said instructions conditioning

the functioning [unlocking/locking] of the application according to criteria predetermined

by the supplier of said application and/or the operator and/or the user of the equipment

(col. 9, lines 1-8).

As per claim 40, Parker teaches a subscriber module of the "SIM card" type

connected to a mobile equipment (col. 1, lines 50-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of USP Application Publication 2003/0041125 to Salomon.

As per claim 37, Parker is silent in disclosing the subscriber module transmits to the control server, via the mobile equipment and the mobile network, a confirmation message when the subscriber module has received the cryptogram, said message confirming the correct reception and the adequate processing of the cryptogram by the subscriber module. Salomon teaches the subscriber module transmits to the control server, via the mobile equipment and the mobile network, a confirmation message when the subscriber module has received the packet, said message confirming the correct reception and the adequate processing of the cryptogram by the subscriber module (0056). Receipt messages or as they are usually to in the art, acknowledgement messages (ACK), are notoriously well known in the art of computer communication. ACK are used to ensure proper and reliable communication between two devices. The ACK serves to let the sender know the packet was received by the recipient so the sender can timely conclude the communication. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the acknowledgement messages of Salomon in the method of activation of Parker so server can know that the

phone received the data without error. Any type of computer communication method
can benefit from ACK messages.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

WO 0042498 A discloses when a mobile-code receiving section at a user
terminal receives data including a mobile code from a distributor server, a
signature attached to the mobile code is checked. When the signature is
successfully verified, a function confirmation section confirms the specification
that describes the functions of the mobile code. If the function confirmation
section decides to permit the execution of the mobile code, a mobile code
execution means executes the mobile code.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is
(571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am
- 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2131

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2131